

Message

From: Lisa Rector [lrector@nescaum.org]
Sent: 5/14/2020 8:20:30 PM
To: Johnson, Steffan [johnson.steffan@epa.gov]
CC: Toney, Mike [Toney.Mike@epa.gov]; Sanchez, Rafael [Sanchez.Rafael@epa.gov]; Scinta, Robert [scinta.robert@epa.gov]; Yellin, Patrick [Yellin.Patrick@epa.gov]
Subject: RE: test report questions....

And this in M28R

7

8.7 Wood Heater Firebox Volume.

8.7.1 Determine the firebox volume using the definitions for height, width, and length in Section 3. Volume adjustments due to presence of firebrick and other permanent fixtures may be necessary. Adjust width and length dimensions to extend to the metal wall of the wood heater above the firebrick or permanent obstruction if the firebrick or obstruction extending the length of the side(s) or back wall extends less than one-third of the usable firebox height. Use the width or length dimensions inside the firebrick if the firebrick extends more than one-third of the usable firebox height. If a log retainer or grate is a permanent fixture and the manufacturer recommends that no fuel be placed outside the retainer, the area outside of the retainer is excluded from the firebox volume calculations.

8.7.2 In general, exclude the area above the ash lip if that area is less than 10 percent of the usable firebox volume. Otherwise, take into account consumer loading practices. For instance, if fuel is to be loaded front-to-back, an ash lip may be considered usable firebox volume.

8.7.3 Include areas adjacent to and above a baffle (up to two inches above the fuel loading opening) if four inches or more horizontal space exist between the edge of the baffle and a vertical obstruction (*e.g.*, sidewalls or air channels).

From: Johnson, Steffan <johnson.steffan@epa.gov>
Sent: Thursday, May 14, 2020 4:16 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Toney, Mike <Toney.Mike@epa.gov>; Sanchez, Rafael <Sanchez.Rafael@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: RE: test report questions....

This tells me that 2618 REQUIRES firebox dimensions in the test report.

ASTM 2618 Sec 12.2.2

12.2.2 *Firebox Volume*—Determine the firebox volume in cubic feet. Firebox volume shall include all areas accessible through the fuel loading door where firewood could reasonably be placed up to the horizontal plane defined by the top of the loading door. A drawing of the firebox showing front, side and plan views or an isometric view with interior dimensions shall be provided by the manufacturer and verified by the laboratory. Calculations for firebox volume from computer aided design (CAD) software programs are acceptable and shall be included in the test report if used. If the firebox volume is calculated by the laboratory the firebox drawings and calculations shall be included in the test report.

From: Lisa Rector <lrector@nescaum.org>
Sent: Thursday, May 14, 2020 4:07 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

No problem.

From: Johnson, Steffan <johnson.steffan@epa.gov>
Sent: Thursday, May 14, 2020 4:06 PM
To: Lisa Rector <lrector@nescaum.org>
Subject: RE: test report questions....

Apologies, I am on another call...

From: Lisa Rector <lrector@nescaum.org>
Sent: Thursday, May 14, 2020 3:38 PM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>
Cc: Toney, Mike <Toney.Mike@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: RE: test report questions....

- 1) Can you please explain why quality assurance programs are eligible for protection as confidential information or is this a claim they have made that we can request via FOIA. If they contain design drawings can they be redacted and provided under FOIA requests?
- 2) If they QAPs aren't part of the test report, why do they require third party review?
- 3) How can the public track compliance if the inspection reports are CBI. NESCAUM would like to review redacted reports. Are these items that you can provide or should we submit a FOIA request for those items as well?

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Thursday, May 14, 2020 3:25 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>; Lisa Rector <lrector@nescaum.org>
Cc: Toney, Mike <Toney.Mike@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: RE: test report questions....

Hi Lisa, I will attempt to clarify some of your questions. See my comments in red font below:

From: Johnson, Steffan <johnson.steffan@epa.gov>
Sent: Thursday, May 14, 2020 2:50 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Toney, Mike <Toney.Mike@epa.gov>; Sanchez, Rafael <Sanchez.Rafael@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: test report questions....

Lisa,

QAP is a term that in my world is generally applied to research. If you are collecting information to create a new measurement technique, or to use external data to aid in that work, a QAPP is a necessary part of the research program.

Compliance testing is designed to meet the QA/QC criteria that are defined in the test method such that the data are then suited to the purpose of compliance determination. ALL recorded data need to be presented in the test report, including the dimension information you ask about. Calculation of the firebox volume is a key criteria, and the data that provides for that calculation is a required element of the test report.

EPA does not receive reports of ISO or audits of ISO programs. EPA does require current ISO certifications from laboratories to maintain their standing as an EPA Approved Test lab.

It is unknown to me whether or not a private party can access a companies ISO audit records or other accreditation report documentation. I suspect not, but I honestly do not know.

I hope this is helpful to some extent,

Stef

From: Lisa Rector <lrector@nescaum.org>
Sent: Thursday, May 14, 2020 2:38 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

Sorry, more questions....this time about quality assurance programs (QAP) 50.333(m):

1. Are QAPs part of the test report? I know they are part of the certification package and I sometimes see them as appendices in test reports.

The QAP are not necessarily part of the test report but is required to be submitted to the EPA. The QAP is often submitted as part the CBI version of the report.

2. Are the QAPs public documents, or do they have protection under CBI?

QAPs are claimed and treated as CBI.

3. How can the public obtain information about ISO inspections?

QAP plans and required biannual inspections are CBI because they contain diagrams of the model subject to the audit.

4. Does EPA receive results of ISO inspections?

EPA receives the certifier's audit inspection

5. If firebox calculations aren't part of the test report, how can a confirmation be made that the unit tested conforms to the comparison be made to the engineering designs and QAP requirements?

The rule requires FB volume calculations.

Hope this help.

Rafael Sanchez

From: Johnson, Steffan <johnson.steffan@epa.gov>
Sent: Thursday, May 14, 2020 12:43 PM
To: Toney, Mike <Toney.Mike@epa.gov>; Lisa Rector <lrector@nescaum.org>
Subject: RE: test report questions....

Lisa,

Everyone present should be listed in the report text. There is an example in our GD-43:

<https://www3.epa.gov/ttn/emc/guidlnd/gd-043.pdf>

Although this stops short of a 'requirement', and lists 'key personnel' who I interpret as 'all present'.

The General Provisions of 40 CFR 60.8(f) do list test report requirements but stop short of saying "all personnel". But what I will say is that our opinion is that ANYONE present during a compliance test who interacts with the compliance test program (facility, lab, regulatory agent, consultant, or vendor) must be mentioned in the test report so that the Administrator can ascertain the veracity of the testing and operations of the source during the test.

We are re-working the above linked guideline document and I'll see to it that language similar to the above go into that document.

Stef

From: Toney, Mike <Toney.Mike@epa.gov>
Sent: Thursday, May 14, 2020 11:17 AM
To: Lisa Rector <lrector@nescaum.org>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

They normally don't but sometime a manuf. rep. does come, and sometimes instructs how to set up heater. If they are there are present they, it would not hurt to state that they are present.

From: Lisa Rector [<mailto:lrector@nescaum.org>]
Sent: Thursday, May 14, 2020 11:13 AM
To: Toney, Mike <Toney.Mike@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

Thanks Mike for the quick response but I am still wondering if the report needs to indicate if a manufacturer representative was present, and if so, should their names be listed. I am used to seeing witness listed in traditional stack test reports.

From: Toney, Mike <Toney.Mike@epa.gov>
Sent: Thursday, May 14, 2020 11:10 AM
To: Lisa Rector <lrector@nescaum.org>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

The test report should have key personnel who conducted the test on the field data sheets. The manuf. can be present but cannot communicate with lab personnel once the test begins. They can write a note if they see something wrong.

From: Lisa Rector [<mailto:lrector@nescaum.org>]
Sent: Thursday, May 14, 2020 11:06 AM
To: Toney, Mike <Toney.Mike@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: test report questions....

Sorry more test report questions. Should the test report list who at the lab conducted the test and if any manufacturer representatives or other interested parties were present?



Lisa Rector, Policy and Program Director at **NESCAUM**

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